

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Conf. No. 8905

ITOH

Atty. Ref.: 160-393 (AMK)

Serial No. 10/686,630

TC/A.U.: 2624

Filed: October 17, 2003

Examiner: D. Rosario

For: TEST TUBE TYPE DISCRIMINATION APPARATUS

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May 5, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE**

With respect to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance dated February 9, 2009, Applicant respectfully disagrees with the Examiner to any extent that such statement characterizes the invention in a manner at variance with the actual wording of the claims. Additionally, Applicant does not concede the Examiner's characterization of the Chan, Schwartz and Hooker references.

As set forth in the Notice of Allowance, these comments are being filed along with the payment of the Issue Fee.

Respectfully submitted,

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